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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

VICTORIA HAGGERTY
1033 Manor Road
Coatesville, PA 19320

Plaintiff

vs.

PATENAUDE & FELIX, A.P.C.
213 East Main Street
Carnegie, PA 15106

Defendant

NO.

COMPLAINT

I. INTRODUCTION

1. This is an action for damages brought by a consumer pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. §1692 (“FDCPA”).

2. The FDCPA prohibits collectors from engaging in deceptive and unfair practices in the collection of consumer debt.

3. Defendant is subject to strict liability for sending a collection letter which violates the provisions of the FDCPA.

II. JURISDICTION

4. Jurisdiction arises under 15 U.S.C. §1692k and 28 U.S.C. §1337.

III. PARTIES

5. Plaintiff is Victoria Haggerty. She is a consumer who resides in Coatesville, Pennsylvania at the address captioned.

6. Defendant Patenaude & Felix, A.P.C. is a law firm with a regular place of business in Carnegie, Pennsylvania, and a mailing address as captioned (hereinafter referred to as “Patenaude”).

7. Patenaude regularly engages in the collection of consumer debts using the mails and telephone.

8. Patenaude regularly attempts to collect consumer debts alleged to be due another.

9. Patenaude is a “debt collector” as that term is contemplated in the FDCPA, 15 U.S.C. §1692a(6).

IV. STATEMENT OF CLAIM

10. On August 26, 2005, defendant Patenaude sent plaintiff a communication in an attempt to collect a consumer debt alleged due in the amount of \$2,671.97 (See Exhibit “A” attached hereto and appropriately redacted for privacy per local rule).

11. Defendant’s August 26, 2005 letter states: “Your promised payment has not been received. Please mail your payment immediately to avoid possible further action.” (emphasis added)

12. Defendant’s August 26, 2005 letter is signed by David T. Genz. Below Genz’s name appears “Operations Manager”.

13. Mr. Genz’s signature appears under the signature line “Law Office of Patenaude & Felix”.

14. Section 1692e of the FDCPA prohibits a debt collector from using any false, deceptive, or misleading representations or means in connection with the collection of any debt, including the false representation or implication that any communication is from an attorney. 15 U.S.C. §1692e and §1693e(3).

15. A collection letter on attorney letterhead implies that an attorney has reviewed the subject account and has made a reasoned decision regarding the file.

16. Defendant holds itself out as attempting to collect the account by a lawyer who is the operations manager of the firm.

17. Defendant's letter threatens "further action" if payment is not received. Defendant's "Operations Manager" is not an attorney and is not licensed to take any legal action.

18. Defendant's August 26, 2005 letter is false, deceptive and misleading because it lacks the requisite attorney involvement and deceptively states or implies that a non-attorney is acting as an attorney.

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19. Plaintiff repeats the allegations contained above as if the same were here set forth at length.

20. Defendant Patenaude's August 26, 2005 letter to Plaintiff violates the FDCPA by sending a false, deceptive, and misleading communications in violation of 15 U.S.C. §1692e and §1692e(3).

WHEREFORE, Plaintiff, Victoria Haggerty demands judgment against defendant Patenaude & Felix, A.P.C. for:

- (a) Damages;
- (b) Attorney's fees and costs; and
- (c) Such other and further relief as the Court shall deem just and proper.

V. DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury as to all issues so triable.

Respectfully submitted:

Date: 12/22/05

/s/ Theodore E. Lorenz (TEL 5114)

CARY L. FLITTER

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